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ENGLISH TOWNS AND GILDS.

(Third Edition.)

EDITED BY EDWARD P. CHEYNEY, A. M.

University of Pennsylvania

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TRANSLATIONS AND REPRINTS

FROM THE

ORIGINAL SOURCES OF EUROPEAN HISTORY.

VOL. II.

ENGLISH TOWNS AND GILDS.

No. 1.

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I. TOWN CUSTOMS.

An English city or borough,¹ in the early Middle Ages, is to be looked upon, in the greater number of cases, simply as a manor or group of adjacent manors, where facilities for trade or handicraft have led to a larger and more concentrated population than could have subsisted merely on the agriculture of the rural community. In each of these towns local customs grew up, just as the "custom of the manor" existed in each village in the open country; but more highly developed, as a consequence of the closer population, mercantile occupation, and more active life of the townspeople.

Since these local customs existed only as rules traditionally observed and remembered, they were but seldom made a matter of written record. The few still existing have been preserved by peculiar circumstances. In some forty-one cases the pecuniary relations to the king involved in the customs of the towns attracted the attention of the commissioners who made the reports for *Domesday Book*. Those of Chester are given in the greatest detail. The customs of Newcastle were formulated in the time of Henry II, but refer to a period at least as early as the close of the eleventh century. The "Usages of Winchester," "Ordinances of Worcester" and "Office of the Mayor of Bristol" are collections of city customs similar to those printed and translated here, and are printed in Smith's *English Gilds*, Early English Text Society, 1870. The last of the three is also in Ricart's *Kalendar*, Camden Society, 1872.

CUSTOMS OF CHESTER.

Latin : *Domesday Book*, I, 262, b.; and *Stubbs' Select Charters*, 83-95.

The city of Chester, in the time of King Edward, paid tax as being of fifty hides;² three and a half hides of which were outside of the city. That is, one and a half hides were beyond the bridge, and two hides in Newton and Redcliff, and in the bishop's borough; these paid tax with the city.

In the time of King Edward, there were in the city 431 houses paying tax. And besides these the bishop had 56 tax-paying houses. Then the city paid ten and a half marks³ of silver; two parts belonged to the king and the third to the earl. And the following laws existed there:

When peace had been granted by the hand of the king, or by his letter or through his bailiff, if any one broke it, the king had 100 shillings for it. But if the same peace of the king, at his order had been granted by the earl, if it was broken, of the 100 shillings which were given therefor, the earl had the third penny. If, however, the

¹ There seems to be no consistent distinction between cities and boroughs in *Domesday* and earlier use: later it was customary to call the seat of a bishop a city and all other considerable towns boroughs. ² A hide was a unit of taxation or of measurement, equalling in the latter case approximately 120 acres. It is here evidently the former. ³ The mark of silver was equal to 13s. 4d.; of gold, £6.

same peace was infringed when granted by the reeve of the king or the officer of the earl, it was compounded for by forty shillings, and the third penny belonged to the earl.

If any free man of the king broke the peace which had been granted and killed a man in his house, all his land and money came to the king, and he himself became an outlaw. The earl had the same concerning his man making this forfeiture. No one, however, except the king, was able to grant peace again to an outlaw.

He who shed blood between Monday morning and the ninth hour of Saturday compounded for it with ten shillings. From the ninth hour of Saturday to Monday morning bloodshed was compounded for with twenty shillings. Similarly any one paid twenty shillings who did this in the twelve days after Christmas, on the day of the Purification of the Blessed Mary, on the first day of Easter, the first day of Pentecost, Ascension Day, on the Assumption or Nativity of the Blessed Mary and on the day of All Saints.

He who killed a man on these holy days compounded for it with £4; but on other days with forty shillings. Similarly he who committed burglary or assault, on those feast days or on Sunday £4. On other days forty shillings.

Any one setting prisoners free¹ in the city gave ten shillings. But if the reeve of the king or of the earl committed this offence he compounded for it with twenty shillings.

He who committed theft or robbery or exercised violence upon a woman in a house compounded for each of these with forty shillings.

If a widow had illegitimate intercourse with any one she compounded for it with twenty shillings; a girl, however, with ten shillings for a similar cause.

He who in the city seized upon the land of another and was not able to prove it to be his, was fined forty shillings. Similarly also he who made a claim upon it, if he was not able to prove it to be his.

He who wished to make relief of his own land or that of his relative gave ten shillings.

If he was not able or did not wish to do this the reeve took his land into the hand of the king.

He who did not pay the tax at the period at which he owed it compounded for it with ten shillings.

¹The word *hangewitham* thus translated, has also been considered to mean the offence of hanging a person without warrant of law. Ducange.

If fire burned the city, he from whose house it started compounded for it with three oras¹ of pennies, and gave to his next neighbor two shillings. Of all these forfeitures two parts belonged to the king and the third to the earl.

If without the license of the king ships came to the port of the city or departed from the port, from each man who was on the ships the king and the earl had forty shillings. If against the peace of the king and after his prohibition the ship approached, as well it as the men, with all things which were upon it, did the king and the earl have.

If, however, with the peace and license of the king it had come, those who were in it sold what they had in peace; but when it went away, four pence from each lading did the king and the earl have. If to those having martens' skins the reeve of the king gave orders that to no one should they sell until they had first brought them and shown them to him, he who did not observe this compounded for it by paying forty shillings.

A man or a woman making false measure in the city, and being arrested, compounded for it with four shillings. Similarly a person making bad ale, was either placed in the ducking stool or gave four shillings to the reeve. This forfeiture the officer of the king and of the earl received in the city, in whosesoever land it had been, either of the bishop or of another man. Similarly also, if any one held the toll back beyond three nights, he compounded for it with forty shillings.

In the time of King Edward there were in this city seven moneyers,² who gave seven pounds to the king and the earl, besides the ferm,³ when the money was turned over.

There were at that time twelve judges of the city, and these were from the men of the king, and of the bishop, and of the earl; if any one of these remained away from the hundred court on the day in which it sat, without a clear excuse, he compounded for it with ten shillings, between the king and the earl.

For repairing the city wall and the bridge the reeve summoned one man to come from each hide of the county. If the man of any one did not come his lord compounded for it to the king and the earl with forty shillings. This forfeiture was in addition to the ferm.

¹ An ora is a number of pennies, varying in different times and places, here possibly sixteen or twenty.

² The moneyers were men who had the contract for coining money, paying a fee for the privilege of reserving to themselves the seigniorage.

³ A ferm was a fixed amount paid as a lump sum in place of a number of smaller or more irregular payments.

This city paid at that time of ferm £45 and three bundles of marten's skins. The third part belonged to the earl, and two to the king.

When Earl Hugh received it, it was worth only £30, for it was much wasted. There were 205 fewer houses than there had been in the time of King Edward. Now there are just as many there as he found.

Murdret held this city from the earl for £70 and one mark of gold. He had at ferm for £50 and one mark of gold all the pleas of the earl in the county and in the hundreds, with the exception of Inglefeld.

The land on which the temple of St. Peter stands, which Robert of Rodelend claimed for demesne land, as the county has proved, never pertained to the manor, outside the city, but pertains to the borough; and it has always been in the custom of the king and the earl, like that of other burgesses.

THE CUSTOMS OF NEWCASTLE-UPON-TYNE.

Latin : Acts of Parliament of Scotland, I, 33-34 ; and Stubbs' Select Charters, 107-108.

These are the laws and customs which the burgesses of Newcastle-upon-Tyne had in the time of Henry, king of England, and ought to have:

Burgesses may make seizure for debt from those dwelling outside, within their market place and without, and within their house and without, and within their borough and without, without the license of the reeve, unless courts are held in the borough, and unless they are in the army or on guard at a castle.

From a burgess a burgess is not allowed to make seizure for debt without the license of the reeve.

If a burgess has agreed upon anything in the borough with those dwelling outside, the debtor, if he acknowledges it, must pay the debt himself, or he must grant right in the borough.

Suits which arise in the borough are to be held and finished there, except those which belong to the king's crown.

If any burgess is summoned on any prosecution, he shall not plead outside of the borough except for want of a court. Nor must he respond without day and term, unless he shall have first fallen into an absurd defense; except with regard to things which pertain to the crown.

If a ship has put in at Tynemouth and wishes to depart, it is allowed to the burgesses to buy whatever they wish.

If a suit arises between a burgess and a merchant, it shall be settled before the third tide.

Whatever merchandise a vessel has brought by sea ought to be carried to land, except salt and brine, which ought to be sold on the ship.

If anyone has held land in burgage for a year and a day justly and without prosecution, he need not make defense against a claimant, unless the claimant has been outside the realm of England, or in the case where he is a boy having no power to speak.

If a burgess has a son in his house, at his table, the son shall have the same liberty as his father.

If a villain comes to stay in a borough, and there for a year and a day stays as a burgess in the borough, let him remain altogether, unless it has been said beforehand by himself or by his lord that he is to remain for a certain time.

If any burgess makes an accusation concerning any matter, he cannot wage battle against a burgess, but let the burgess defend himself by law, unless it is concerning treason, when he ought to defend himself by battle. Nor can a burgess wage battle against a villain, unless he has first departed from his burgage.

No merchant, unless he is a burgess, may buy any wool, hides, or other merchandise, outside of the town, nor inside of the borough except from burgesses.

If forfeiture happens to a burgess, he shall give six *oras* to the reeve.

In the borough there is no merchet, nor heriot, nor blood fine, nor *stengesdint*.

Each burgess may have his oven and hand-mill if he wishes, saving the king's right to the oven.

If a woman is in transgression concerning bread or concerning ale, no one ought to intermeddle except the reeve. If she shall have transgressed a second time, let her be whipped for her transgression. If for a third time she shall have transgressed, let justice be done upon her.

No one except a burgess may buy clothes for dyeing, nor make, nor shear them.

A burgess may give his land, or sell it, and go whither he wishes, freely and quietly, unless he is engaged in a suit.

II. TOWN CHARTERS.

During the twelfth and thirteenth centuries many of the cities and boroughs obtained their first charters. These were documents issued and sealed by the king, or by the lord on whose demesne the town had grown up, giving legal recognition to a part or the whole of the body of local customs. In no case was the whole body of customs recited in the charter ; and in most cases probably no new rights were granted to the towns by the charters ; but it was of the greatest value to them to have their more important customary rights defined, legalized and put in a form which could be appealed to in case of subsequent dispute. Moreover, the first grant obtained by any town served as a precedent in obtaining, at favorable opportunities thereafter, new charters extending its powers and privileges. The charter of Southampton, printed below, for instance, was the first of thirty-one such grants to that town between the twelfth century and the seventeenth ; varying in character from mere renewals to considerable additions to the city immunities. Types of three classes of municipal charters are given below ; those granted by the king, those granted by a secular lord to a town on his demesne, and those granted by a prelate. A vast number of charters granted to towns are printed in Rymer's *Fœdera*; Madox' *Firma Burgi*, Gross' *Gild Merchant*, and in local histories.

CHARTER OF HENRY II. TO THE CITY OF LINCOLN.

Latin : Rymer's *Fœdera*, i. 40 ; and Stubbs' Select Charters, 158-9.

Henry, by the grace of God, king of England, duke of Normandy and Aquitaine, count of Anjou, to the bishop of Lincoln, justiciars, sheriffs, barons, officers and all his faithful, French and English, of Lincoln, greeting. Know that I have conceded to my citizens of Lincoln all their liberties and customs and laws, which they had in the time of Edward and William and Henry, kings of England ; and their gild merchant of the men of the city and of other merchants of the county, just as they had it in the time of our aforesaid predecessors, kings of England, best and most freely. And all men who dwell within the four divisions of the city and attend the market are to be at the gilds and customs and assizes of the city as they have been best in the time of Edward, William and Henry, kings of England. I grant to them moreover, that if anyone shall buy any land within the city, of the burgage of Lincoln, and shall have held it for a year and a day without any claim, and he who has bought it is able to show that the claimant has been in the land of England within the year and has not claimed it, for the future as before he shall hold it well and in peace, and without any prosecution. I confirm also to them, that if anyone shall have remained in the city of Lincoln for a year and a day without claim on the part of any claimant, and has given the customs, and is able to show by the laws and customs of the city that the claimant has been in existence in

the land of England and has not made a claim against him, for the future as in the past he shall remain in peace, in my city of Lincoln, as my citizen. Witnesses, E., bishop of Lisieux; Thomas, chancellor; H., constable; Henry of Essex, constable. At Nottingham.

CHARTER OF HENRY II. TO WALLINGFORD.

Latin: Rymer's *Fœdera*, i, 471: and Gross' *Gild Merchant*, II, 244-5.

Henry, by the grace of God, King of England, Duke of Normandy and Aquitaine, and Count of Anjou, I command you that my burgesses of Wallingford shall have my secure peace through my whole land of England and Normandy, wherever they may be. And know that I have given and conceded to them forever all their liberties and laws and customs well and honorably, just as they had them best and most honorably in the time of King Edward, and in the time of my great grandfather King William, and of his son, the second King William, and in the time of King Henry, my grandfather; that is to say, that they should have freely the gild merchant with all its customs and laws, so that neither my bailiff nor any justice of mine should meddle with their gild; but only their own alderman and officer. And if my officers or any justice shall have brought suit against them in any plea or for any occasion or shall have wished to lead them into a suit, I forbid it, and require that they should not make defense in any manner, except in their own proper portmote. And if the reeve himself shall implead them on any occasion without an accuser, they shall not respond, and if on account of any transgression, or by a right judgment any one of them shall have made forfeiture by a right consideration of the burgesses, to the reeve shall he pay it. I forbid, moreover, and require that there shall be no market in Crowmarsh, nor any merchant, unless he is in the gild of the merchants; and if anyone goes out from the borough of Wallingford and lives from the merchandise of the same Wallingford, I command that he should make the right gild of the merchants with the same burgesses, wherever he may be, within the borough or without. Know moreover, that I have given and conceded forever to all the men of Wallingford full quittance from my yearly rent, which they were accustomed to pay from the borough of Wallingford; that is to say, from that which pertains to me in the borough. All these laws and customs and liberties and quittances I give to them and concede forever, and all others which they are able to show that their ancestors had, freely, quietly, and honorably, just as my

citizens of Winchester ever had them at the best ; and this on account of the great service and labor which they sustained for me in the acquisition of my hereditary right in England. I concede to them, moreover, that wherever they shall go in their journeys as merchants, through my whole land of England and Normandy, Aquitaine and Anjou, "by water and by strand, by wood and by land," they shall be free from toll and passage fees, and from all customs and exactions ; nor are they to be troubled in this respect by any one, under a penalty of £10. I forbid, moreover, and require under the same penalty, that the reeve of Wallingford shall not make any fine of scotale or New Year's gift from any one, and that he shall not establish any custom in Wallingford which shall injure the burgesses of the town. Of this grant and concession, the witnesses are Theobald, archbishop of Canterbury and others. Given at Oxford, the first day before the Ides of January.

CHARTER OF HENRY II. TO SOUTHAMPTON.

Latin : Davies' History of Southampton, 152 ; Gross' Gild Merchant, II, 213.

Henry, king of England, duke of Normandy and Aquitaine, and count of Anjou, to his reeves and ministers of Hampton, greeting : I ordain that my men of Hampton shall have and hold their gild and all their liberties and customs, by land and by sea, in as good, peaceable, just, free, quiet, and honorable a manner as they had the same, best, most freely and quietly in the time of King Henry, my grandfather ; and let no one upon this do them any injury or insult. Witness, Richard de Humet, constable ; Jocelyn de Baliol, at Winchester.

CHARTER OF RALPH, EARL OF CHESTER, TO THAT CITY, BETWEEN A. D., 1190 AND 1211.

Latin : Report of Historical MSS. Comm. 1881, 356-7 ; and Gross' Gild Merchant, II, 140.

Ralph, earl of Chester, to his constable and steward, and to all his barons and bailiffs, and to all his men, French and English, as well to come as at present, greeting. Let it be known to all of you that I have given and conceded, and by this my present charter confirmed to all my citizens of Chester their gild merchant with all liberties and free customs which they have had in the aforesaid gild, best, most freely and most peacefully in the times of my predecessors. And I forbid under forfeiture to me of £10 that any one shall disturb them in it. With these witnesses, etc.

*CHARTER OF JOHN, EARL OF CHESTER, BETWEEN
1217 AND 1277.*

Latin : Report of Historical MSS. Comm. 1881, 356-7, and Gross' Gild Merchant II, 140.

Know that I have conceded and by this my present charter confirmed to all my citizens of Chester that no merchant should buy or sell any kind of merchandise which has come to the city of Chester by sea or by land, except these my citizens of Chester themselves and their heirs, or in accordance with their will ; except in the established fairs, that is on St. John the Baptist's day and at the feast of St. Michael. Likewise, I have conceded and by this my present charter confirmed to my said citizens of Chester, to have and to hold their gild merchant, as freely, quietly and honorably as they held it in the time of my uncle, lord Ralph, earl of Chester and Lincoln.

*CHARTER OF THURSTAN, ARCHBISHOP OF YORK, TO
BEVERLY, BETWEEN 1100 AND 1135.*

Latin : Rymer's *Fœdera*, i, 10, and Stubbs' Select Charters, 105-6.

Thurstan, by the grace of God, archbishop of York, to all the faithful in Christ, as well present as to come, greeting and God's benediction and his own. Let it be known to you that I have given and conceded, and by the advice of the chapter of York and of Beverly and by the advice of my barons have confirmed by my charter to the men of Beverly all their liberties with the same laws which those of York have in their city. Moreover let it not be hid from you that lord Henry our king has conceded to us the power of doing this of his own good will, and by his charter has confirmed our statutes and our laws according to the form of the laws of the burgesses of York, saving the dignity and honor of God and Saint John, and of us and of the canons, in order that he might thus increase the benefactions of his predecessors, and promote them by all these free customs.

I will that my burgesses of Beverly shall have their hanse house, which I give to them and concede in order that they may there determine upon their statutes to the honor of God and of St. John, and of the canons, and to the advantage of the whole body of citizens, being enfranchised by the same law as those of York in their hanse house. I give up to them, moreover, their toll forever for eighteen marks a year; besides in those feasts in which toll belongs to us and to the canons, that is to say, in the feast of St. John the Confessor, in May, in the feast of the translation of St. John, and on the day of the birth of St.

John the Baptist ; and on these festivals I have made all the burgesses of Beverly free and quit from all toll. By the testimony of this charter, moreover, I have conceded to the same burgesses as free entrance and departure within and without the town, in plain and wood and marsh, in roads and byways, and in other suitable places, except in meadows and grainfields, as any one can ever concede and confirm them most freely and broadly ; and know that they are as free and quit from all toll through the whole of Yorkshire, as those of York are. And I will that whosoever opposes this may be accursed, as the custom of the church of St. John asserts and as it has been decreed in the church of St. John.

These are witnesses: Geoffrey Murdoc, Nigel Fossard, Alan de Percy, Walter Spec, Eustace the son of John, Thomas the reeve, Thursttan, archdeacon ; Herbert, chamberlain ; William the son of Toole ; William of Bath ; in the presence of the whole household of the archbishop, clerical and lay, in York.

III. *GILD MERCHANT DOCUMENTS.*

An almost invariable provision in the early town charters was the privilege of possessing a gild merchant, or hanse house, as it was called in the charter of Beverly. This universality of the gild merchant indicates its close connection with the municipal community itself, as well as the prevailing commercial character of the latter. The existence of the gild merchant has been definitely proved in 102 towns and there is little reason to doubt that it existed in practically all the others. The gild merchant therefore was substantially the embodiment of the trading monopoly of the chartered city or borough. Its principal characteristics are exemplified in the subjoined documents. The difficult questions of its origin as an institution, its connection with the municipal government, its relation to the craft gilds, and its later decadence or disappearance, are fully discussed in the standard work on the subject : Gross, *The Gild Merchant*. The ordinances of the gilds of Southampton and Lynn Regis are almost the only remaining bodies of statutes. The former document belongs to the fourteenth century, but the provisions are evidently of very different dates. The first eleven seem to be the oldest, and perhaps with others extend back to a far earlier period than 1300. The gild merchant of Lynn Regis is mentioned as early as 1205, in a charter granted by King John, and remained in existence until November 4, 1547. It was clearly distinct from the town government, though connected with it at many points. It had a large membership: its property brought in at one time an income of some £400 a year ; it possessed a gild hall which still exists, and sustained in 1389, thirteen chaplains, "daily and yearly to pray as well for the king, his ancestors, and for the peace and welfare of his kingdom, as for the souls of all the aldermen, brethren, and benefactors of the said gild ; also for the souls of all the faithful deceased." Six of these chaplains officiated in the church of St. Margaret, four in the chapel of St. Nicholas, and three in the chapel of St. James, all in Lynn. In addition to its religious activity, the gild contributed largely both by money and by administration to the charities, educational work, and public improvements of the city.

ORDINANCES OF THE GILD MERCHANT OF SOUTHAMPTON.

French : Gross' *Gild Merchant*, II, 214, etc. ; and English : Davies' *History of Southampton*, pp. 139, etc.

§ 1. ¹In the first place, there shall be elected from the gild merchant, and established, an alderman, a steward, a chaplain, four skevins, and an usher. And it is to be known that whosoever shall be alderman shall receive from each one entering into the gild fourpence, the steward, twopence ; the chaplain, twopence ; and the usher, one penny. And the gild shall meet twice a year : that is to say, on the Sunday next after St. John the Baptist's day, and on the Sunday next after St. Mary's day.

§ 2. And when the gild shall be sitting no one of the gild is to bring in any stranger, except when required by the alderman or steward. And the alderman shall have a sergeant to serve before him, the steward another sergeant, and the two skevins a sergeant, and the other two skevins a sergeant, and the chaplain shall have his clerk.

§ 3. And when the gild shall sit, the alderman is to have, each night, so long as the gild sits, two gallons of wine and two candles, and the steward the same ; and the four skevins and the chaplain, each of them one gallon of wine and one candle, and the usher one gallon of wine.

§ 4. And when the gild shall sit, the lepers of La Madeleine shall have of the alms of the gild, two sesters² of ale, and the sick of God's House and of St. Julian shall have two sesters of ale. And the Friars Minors shall have two sesters of ale and one sester of wine. And four sesters of ale shall be given to the poor wherever the gild shall meet.

§ 5. And when the gild is sitting, no one who is of the gild shall go outside of the town for any business, without the permission of the steward. And if any one does so, let him be fined two shillings, and pay them.

§ 6. And when the gild sits, and any gildsman is outside of the city so that he does not know when it will happen, he shall have a gallon of wine, if his servants come to get it. And if a gildsman is ill and is in the city, wine shall be sent to him, two loaves of bread and a gallon of wine and a dish from the kitchen ; and two approved men of the gild shall go to visit him and look after his condition.

¹ In the original a rubric is introduced at the beginning of each paragraph, describing its subject, usually in the same terms as the body of the paragraph. They are omitted here on account of their want of especial significance.

² Sester, or sextary, apparently equals four gallons : Stubbs ; and see § 4 on page 17 of this pamphlet.

§ 7. And when a gildsman dies, all those who are of the gild and are in the city shall attend the service of the dead, and gildsmen shall bear the body and bring it to the place of burial. And whoever will not do this shall pay according to his oath, two pence, to be given to the poor. And those of the ward where the dead man shall be ought to find a man to watch over the body the night that the dead shall lie in his house. And so long as the service of the dead shall last, that is to say the vigil and the mass, there ought to burn four candles of the gild, each candle of two pounds weight or more, until the body is buried. And these four candles shall remain in the keeping of the steward of the gild.

§ 8. The steward ought to keep the rolls and the treasure of the gild under the seal of the alderman of the gild.

§ 9. And when a gildsman dies, his eldest son or his next heir shall have the seat of his father, or of his uncle, if his father was not a gildsman, and of no other one; and he shall give nothing for his seat. No husband can have a seat in the gild by right of his wife, nor demand a seat by right of his wife's ancestors.

§ 10. And no one has the right or power to sell or give his seat in the gild to any man; and the son of a gildsman, other than his eldest son, shall enter into the gild on payment of ten shillings, and he shall take the oath of the gild.

§ 11. And if a gildsman shall be imprisoned in England in time of peace, the alderman with the steward and with one of the skevens shall go at the cost of the gild, to procure the deliverance of the one who is in prison.

§ 12. And if any gildsman strikes another with his fist; and is convicted thereof, he shall lose the gild until he shall have bought it back for ten shillings, and taken the oath of the gild again like a new member. And if a gildsman strikes another with a stick, or a knife, or any other weapon, whatever it may be, he shall lose the gild and the franchise, and shall be held as a stranger until he shall have been reconciled to the good men of the gild and has made recompense to the one whom he has injured, and has paid a fine to the gild of twenty shillings; and this shall not be remitted.

§ 13. If any one does an injury, who is not of the gild, and is of the franchise or strikes a gildsman and is reasonably convicted he shall lose his franchise and go to prison for a day and a night.

§ 14. And if any stranger or any other who is not of the gild

nor of the franchise, strikes a gildsman, and is reasonably convicted thereof, let him be in prison two days and two nights, unless the injury is such that he should be more severely punished.

§ 15. And if a gildsman reviles or slanders another gildsman, and a complaint of it comes to the alderman, and if he is reasonably convicted thereof, he shall pay two shillings fine to the gild, and if he is not able to pay he shall lose the gild.

§ 16. And if anyone who is of the franchise, speaks evil of a gildsman, and is convicted of this before the alderman, he shall pay five shillings for a fine or lose the franchise.

§ 17. And no one shall come to the council of the gild if he is not a gildsman.

§ 18. And if anyone of the gild forfeits the gild by any act or injury, and is excluded by the alderman and the steward and the skevens and the twelve sworn men of the city; and he wishes to have the gild again, he shall do all things anew just as one who has never been of the gild, and shall make amends for his injury according to the discretion of the alderman and the aforesaid approved men. And if anyone of the gild or of the franchise brings a suit against another outside of the city, by a writ or without a writ, he shall lose the gild and the franchise if he is convicted of it.

§ 19. And no one of the city of Southampton shall buy anything to sell again in the same city, unless he is of the gild merchant or of the franchise. And if anyone shall do so and is convicted of it, all which he has so bought shall be forfeited to the king; and no one shall be quit of custom unless he proves that he is in the gild or in the franchise, and this from year to year.

§ 20. And no one shall buy honey, fat, salt herrings, or any kind of oil, or millstones, or fresh hides, or any kind of fresh skins, unless he is a gildsman: nor keep a tavern for wine, nor sell cloth at retail, except in market or fair days; nor keep grain in his granary beyond five quarters, to sell at retail, if he is not a gildsman; and whoever shall do this and be convicted, shall forfeit all to the king.

§ 21. No one of the gild ought to be partner or joint dealer in any of the kinds of merchandise before mentioned with anyone who is not of the gild, by any manner of coverture, or art, or contrivance, or collusion, or in any other manner. And whosoever shall do this and be convicted, the goods in such manner bought shall be forfeited to the king, and the gildsman shall lose the gild.

§ 22. If any gildsman falls into poverty and has not the wherewithal to live, and is not able to work or to provide for himself, he shall have one mark from the gild to relieve his condition when the gild shall sit. No one of the gild nor of the franchise shall avow another's goods for his by which the custom of the city shall be injured. And if any one does so and is convicted, he shall lose the gild and the franchise; and the merchandise so avowed shall be forfeited to the king.

§ 23. And no private man nor stranger shall bargain for or buy any kind of merchandise coming into the city before a burgess of the gild merchant, so long as the gildsman is present and wishes to bargain for and buy this merchandise; and if anyone does so and is convicted, that which he buys shall be forfeited to the king.

§ 24. And anyone who is of the gild merchant shall share in all merchandise which another gildsman shall buy or any other person, whosoever he is, if he comes and demands part and is there where the merchandise is bought, and also if he gives satisfaction to the seller and gives security for his part. But no one who is not a gildsman is able or ought to share with a gildsman, without the will of the gildsman.

§ 25. And if any gildsman or other of the city refuse a part to the gildsman in the manner above said, he shall not buy or sell in that year in the town, except his victuals.

§ 26. And if any merchant of the town buys wine or grain so that all the risk shall be on the buyer, he shall not pay custom for this merchandise. And if any risk is upon the seller, he shall pay.

§ 27. It is provided that the chief alderman of the town, or the bailiffs and the twelve sworn men, shall give attention to the merchants as well strangers as private men, as often as it shall be required, to see that they have sufficient security for their debts, and recognisance from their debtors; and the day of this shall be enrolled before them, so that if that day is not kept, on proof by the creditor, the debtor should be then distrained according to the recognisance which he has made, in lands and chattels, to give satisfaction according to the usage of the town, without any manner of pleading, so that the men of the town should not have damage by the default of payment of the debtors aforesaid.

§ 28. And if any gildsman for any debt which he may owe, will not suffer himself to be distrained, or when he has been distrained, shall break through, or make removal or break the king's lock, and be convicted thereof, he shall lose his gildship until he has bought it again for twenty shillings, and this each time that he offends in such manner.

And he shall be none the less distrained until he has made satisfaction for the debt he owes ; and if he will not submit to justice as aforesaid and be thereof convicted, he shall go to prison for a day and a night like one who is against the peace ; and if he will not submit to justice let the matter be laid before the king and his council in manner aforesaid.

§ 29. And the chief alderman, and the twelve sworn men, or the bailiffs, each month, or at least four times a year shall see that the assize of bread and ale be well kept in all points according to the price of corn.¹

§ 32. Every year, on the morrow of St. Michael, shall be elected by the whole community of the town, assembled in a place provided, to consider the estate and treat of the common business of the town—then shall be elected by the whole community, twelve discreet men to execute the king's commands, together with the bailiffs, and to keep the peace and protect the franchise, and to do and keep justice to all persons, as well poor as rich, natives or strangers, all that year ; and to this they shall be sworn in the form provided. And these twelve discreet men shall choose the same day two discreet men from among themselves and the other profitable and wise men to be bailiffs for the ensuing year, who shall take care that the customs shall be well paid ; and they shall receive their jurisdiction the day after Michaelmas, as has been customary. And this shall be done from year to year, so that the bailiffs shall be renewed every year, and the twelve aforesaid, if there is occasion. The same shall be done as to clerk and sergeants of the city, in making and removing.

§ 35. The common chest shall be in the house of the chief alderman or of the steward, and the three keys of it shall be lodged with three discreet men of the aforesaid twelve sworn men, or with three of the skevins, who shall loyally take care of the common seal, and the charters and the treasure of the town, and the standards, and other muniments of the town ; and no letter shall be sealed with the common seal, nor any charter taken out of the common-chest but in the presence of six or twelve sworn men, and of the alderman or steward ; and nobody shall sell by any kind of measure or weight that is not sealed, under forfeiture of two shillings.

§ 63. No one shall go out to meet a ship bringing wine or other merchandise coming to the town, in order to buy anything, before the

¹The remaining 48 paragraphs, with the exception of § 32, § 35 and § 63, are of comparatively little significance as explanatory of the ordinary gild merchant.

ship be arrived and come to anchor for unlading ; and if any one does so and is convicted, the merchandise which he shall have bought shall be forfeited to the king.

ORDINANCE OF THE GILD MERCHANT OF THE HOLY TRINITY OF LYNN REGIS.

English : Gross' Gild Merchant, II, 160; and Richard's History of Lynn, 452-458.

§ 1. If any stranger is willing to enter into the fraternity, he ought to pledge into the hands of the alderman 100s. and the aforesaid dues of the house. That is to say, to the alderman 4d. to the clerk 2d. to the dean 2d. and afterward out of the 100s. pledged with the alderman and his brethren¹, and shall immediately give one sextary of wine, that is 10d.

§ 2. If any brother has a son, or sons, legitimate, who are willing to enter into the said fraternity, each one ought to pay for his entrance 4s. the aforesaid dues being excepted.

§ 3. Whoever will enter into the said fraternity, ought on the first day of his admission to wait and serve before the alderman and the brethren honorably, in neat clothes and a coronet of gold or silver.

§ 4. The alderman to have on the day of Pentecost one sextary of wine, and the dean half a sextary, the clerk half and each of the skevins, the same day, half a sextary, and every day after, as long as the drinking shall continue, the alderman shall have half a sextary, the dean, clerk and each of the skevins one gallon, and each of the attendants half a gallon, at evening.

§ 5. If any of the brethren shall disclose to any stranger the councils of the said gild, to their detriment without the assent of the alderman and his brethren, he shall forfeit the sum of 32d.

§ 6. If any of the brethren shall fall into poverty or misery, all the brethren are to assist him by common consent out of the chattels of the house or fraternity, or of their proper own.

§ 7. If any brother shall be impleaded, either within Lynn or without, the brethren there present ought to assist him in their council, if they are called, to stand with him and counsel him without any costs ; and if they do not they are to forfeit 32d.

§ 8. None of the brethren is to come into the gild before the alderman and his brethren with his cap or hood on, or barefoot, or in any rustic manner ; if he does he is to be amerced 4d.

¹ Illegible in the manuscript.

§ 9. If any one should sleep at the gild, either at the general meeting or at their feasts and drinking, he is to forfeit 4d.

§ 10. If any one turns him rudely to his brother, or calls him by any rude name, he is to be amerced 4d.

§ 11. If any is called and cited at a prime¹ and does not come before the issue of the first consult, he is to pay 1d. by order of the dean; and if he refuses and sits down he is to be amerced 4d.

§ 12. If any one should be cited to the prime, and shall be found in the town or shall come late to the drinking, and the dean shall say to him to be there at the next prime, and he does not come before they begin to take judgments of defaults, he shall either make some reasonable excuse, or pay 12d., and if he comes before the faults are adjudged, and shall depart without leave he shall pay 12d.

§ 13. If any one of this house shall buy anything and a brother shall come in unexpectedly before the agreement, or at it, he ought to be a partner with him that buys, and if the buyer refuses it, he is to be amerced half a mark.

§ 14. If any servant of the brethren comes at the drinking, or the prime, he is to lay down his cap and cloak, and give it to the janitor to keep, whilst he enters and speaks to his master, and then he is to depart forthwith; if it is at the drinking, let him drink once or twice, provided he does not sit, and then he is to depart, and if he does not his master is to be amerced.

§ 15. If any one refuse to obey the precept of the alderman or dean, for the honor and profit of the house, he is to be amerced 12s.

§ 16. If any poor brother shall die, the alderman and brethren shall see that his body be honorably buried, of the goods or chattels of the house, or out of alms, if he has not the wherewith to bury himself.

§ 17. If the alderman shall die, none belonging to him, neither son nor any other, can act in anything as alderman, but the brethren may choose a new alderman, whom they please.

§ 18. If any brother shall die, the dean is to summon all the brethren to make their offerings for the soul of the deceased; and if anyone is absent he is to give $\frac{1}{2}$ d. at the next prime following, for the soul of the defunct, and the dean is to have 4d. of the alms collected, for the citing of the brethren.

¹Principal or regular meeting.

§ 19. If any brother, or alderman, shall act contrary to the ordinances of this house, he is either to forfeit his brotherhood, or pay half a mark for the good of the house.

§ 20. No one shall intrude himself while the drinking continues.

§ 21. If any brother shall offend another brother, in word or deed, he shall make no complaint but to the alderman first, and the mayor; if he does not he is to be amerced half a mark.

§ 22. If the skevins shall merchandize with the chattels of the house, no brother shall have any part therein, but the whole profit shall go to the use of the gild.

§ 23. The skevins are to swear, when they receive the chattels of the house, that they will employ the same faithfully to the good of the gild, and will fully account and answer for the profit.

Selections from the USAGES AND CUSTOMS OF THE GILD OF THE HOLY TRINITY OF LYNN.

If any of the aforesaid brethren shall die in the said town or elsewhere, as soon as knowledge thereof shall come to the alderman, the said alderman shall order solemn mass to be celebrated for him, at which every brother of the said gild that is in town shall make his offering; and further, the alderman shall cause every chaplain of the said gild, immediately on the death of any brother, to say thirty masses for the deceased.

The alderman and skevins of the said gild are by duty obliged to visit four times a year all the infirm, all that are in want, need or poverty, and to minister to and relieve all such, out of the alms of the said gild.

If any brother shall become poor and needy, he shall be supported in food and clothing, according to his exigency, out of the profits of the lands and tenements, goods and chattels of the said gild.

If anyone has a desire and is willing for the honor of the Holy Trinity, to be received into the said gild, that he may be partaker of the alms and benefactions thereof, he shall give to the said gild a certain sum of money to the maintenance of the said alms and benefactions, according to what shall be agreed upon by the alderman and brethren thereof.

No born serf or one of such like condition, nor any apprentice can be received, and if any one of such like condition should be received into the said gild, the alderman and his brethren not knowing it, when

it is truly and lawfully proved, such a one shall lose the benefit of the gild.

No one until he arrive at the age of twenty-one years, and is of honest fame and condition, can be received into the said gild.

It was ordained on Wednesday, in the week of Pentecost, in the seventh year of Edward III, (1334), that the brethren should keep a general morwespeche three times a year, to wit; on Friday in Whitsun-week, on Friday after the exaltation of the Holy Cross, and on Friday in the first week of Lent.

On Friday in the week of Pentecost, in the 23d year of Edward III. (1349), it was provided by common assent forever that no brother should buy or sell any millstones or marble stones, brought to Lynn to be sold, as long as the skevins of this house would buy them for the profit of the gild and pay for them to the full; and if any one brother should act contrary hereto, he should forever be deprived of the society.

On Friday next after the feast of the exaltation of the Holy Cross, in the 31st year of Edward III, (1357), Jeffrey Drew, then being alderman, it was unanimously agreed by the alderman and his brethren, that as by the grant of the king in his charter, the borough of Bishop's Lynn had this liberty, that the burgesses of the same in all fairs through the kingdom of England were free, and enjoyed that freedom; when, therefore, anyone of the said burgesses or brethren should go to the fair at Stourbridge, or where any such like fair is held, and has taken his place by the consent of any of the bailiffs of those places, and marked it out by stakes or pins, by wood or stone; if any other burgess of Lynn, or brother, either by presents or favors, should deprive of or expel the aforesaid burgess or brother from his place so taken as aforesaid, he is to be looked upon and esteemed as a transgressor of the aforesaid liberty, and to be fined 40s., so that the person so deprived and expelled may have 20s. of it; and if the transgressor shall happen to be a brother of the said gild, he shall be obliged by the alderman to pay 20s. for the benefit of the said gild; and if the transgressor shall be a burgess, and not a brother of the gild, he shall be obliged to pay 20s. by the mayor of the town, for the benefit of the commonalty of the said town.

IV. CRAFT GILD DOCUMENTS.

The earliest mention of an organization made up of the members of some one industry in a town, is to be found in the record of payments from the weavers' gilds, in the exchequer roll of A. D. 1130, printed below. These craft gilds, later, especially in the fourteenth and fifteenth centuries, became numerous, and in many cases wealthy and influential. Their growth corresponds to the development of

handicrafts in the towns, as the earlier organizations corresponded to trading. Industries were subdivided to the most minute degree of distinction of occupation for purposes of organization, some cities possessing fifty or more craft gilds. The various branches of trade were similarly subdivided and organized. Ultimately these manufacturing, trading and other industrial organizations quite superseded the gilds merchant. The relations of the craft gilds and other fraternities to the town governments varied from entire subordination, as in the earlier gilds in London, to a large measure of independent jurisdiction, based in many cases, as in that of the tailors of Exeter, printed below, on a charter obtained directly from the crown. In addition to the functions of the craft gilds in regulating industry, preserving order, serving as beneficial societies, and religious and social organizations, their connection with the production of religious dramas became especially close. The appellation of "mystery plays," given so frequently to these pageants seems to be derived from their production by the mysteries or craft gilds. The list of pageants in the *Corpus Christi* play at York is given as typical of this form of activity.

EXTRACTS FROM PIPE ROLL OF 30 HENRY I., A. D. 1130.

Latin : Record Commission Edition, 1833 ; pp. 109, 2, 144.

The weavers of Oxford return their account of one mark of gold for their gild. In the treasury, £6 for one mark of gold ; and they are quit.

And the same sheriff returns his account of one mark of gold for the gild of the weavers of Lincoln. In the treasury, £6 for one mark of gold ; and he is quit.

Robert the son of Lewistan, returns his account of £6 from the gild of the weavers of London. In the treasury, he has made his settlement ; and he is quit.

ARTICLES OF THE SPURRIERS OF LONDON, A. D. 1345.

Riley's Memorials of London, pp. 226-228.

Be it remembered, that on Tuesday, the morrow of St. Peter's Chains, in the nineteenth year of the reign of King Edward III, the articles underwritten were read before John Hammond, mayor, Roger de Depham, recorder, and the alderman ; and seeing that the same were deemed befitting, they were accepted and enrolled in these words.

In the first place,—that no one of the trade of spurriers shall work longer than from the beginning of the day until curfew rung out at the Church of St. Sepulchre, without Newgate ; by reason that no man can work so neatly by night as by day. And many persons of the said

trade, who compass how to practice deception in their work, desire to work by night rather by day; and then they introduce false iron, and iron that has been cracked, for tin, and also they put gilt on false copper, and cracked. And further,—many of the said trade are wandering about all day, without working at all at their trade; and then, when they have become drunk and frantic, they take to their work, to the annoyance of the sick, and all their neighborhood, as well by reason of the broils that arise between them and the strange folks who are dwelling among them. And then they blow up their fires so vigorously, that their forges begin all at once to blaze to the great peril of themselves and of all the neighborhood around. And then, too, all the neighbors are much in dread of the sparks, which so vigorously issue forth in all directions from the mouths of the chimneys in their forges. By reason thereof it seems unto them that working by night should be put an end to, in order such false work and such perils to avoid: and therefore the mayor and the aldermen do will, by the assent of the good folks of the said trade, and for the common profit, that from henceforth such time for working, and such false work made in the trade, shall be forbidden. And if any person shall be found in the said trade to do the contrary hereof, let him be amerced, the first time in 40d., one-half thereof to go to the use of the Chamber of the Guildhall of London, and the other half to the use of the said trade; the second time, in half a mark, and the third time in 10s., to the use of the same Chamber and trade; and the fourth time, let him forswear the trade forever.

Also that no one of the said trade shall hang his spurs out on Sundays, or any other days that are double feasts; but only a sign indicating his business: and such spurs as they shall so sell, they are to show and sell within their shops, without exposing them without, or opening the doors or windows of their shops, on the pain aforesaid.

Also, that no one of the said trade shall keep a house or shop to carry on his business, unless he is free of the city; and that no one shall cause to be sold, or exposed for sale, any manner of old spurs for new ones, or shall garnish them or change them for new ones.

Also, that no one of the said trade shall take an apprentice for a less term than seven years, and such apprentice shall be enrolled according to the usages of the said city.

Also, that if any one of the said trade, who is not a freeman, shall take an apprentice for a term of years, he shall be amerced as aforesaid.

Also, that no one of the said trade shall receive the apprentice, serving-man or journeyman of another in the same trade, during the term agreed upon between his master and him ; on the pain aforesaid.

Also, that no alien of another country, or foreigner of this country, shall follow or use the said trade, unless he is enfranchised before the mayor, alderman and chamberlain ; and that by witness and surety of the good folks of the said trade, who will undertake for him as to his loyalty and his good behavior.

Also, that no one of the said trade shall work on Saturdays, after None has been rung out in the City ; and not from that hour until the Monday morning following.

ORDINANCES OF THE WHITE-TAWYERS.

Riley's Memorials of London, pp. 232-234.

In honor of God, of Our Lady, and of All Saints, and for the nurture of tranquillity and peace among the good folks the megucers, called white-tawyers,¹ the folks of the same trade have, by assent of Richard Lacer, mayor, and of the aldermen, ordained the points under-written.

In the first place, they have ordained that they will find a wax candle, to burn before our Lady in the church of Allhallows, near London wall.

Also, that each person of the said trade shall put in the box such sum as he shall think fit, in aid of maintaining the said candle.

Also, if by chance any one of the said trade shall fall into poverty, whether through old age or because he cannot labor or work, and have nothing with which to keep himself, he shall have every week from the said box 7d. for his support, if he be a man of good repute. And after his decease, if he have a wife, a woman of good repute, she shall have weekly for her support 7d. from the said box, so long as she shall behave herself well and keep single.

And that no stranger shall work in the said trade, or keep house for the same in the city, if he be not an apprentice, or a man admitted to the franchise of the said city.

And that no one shall take the serving-man of another to work with him, during his term, unless it be with the permission of his master.

¹Those who dressed leather with salt, alum and other substances, giving it a white surface.

And if any one of the said trade shall have work in his house that he cannot complete, or if for want of assistance such work shall be in danger of being lost, those of the said trade shall aid him, that so the said work be not lost.

And if any one of the said trade shall depart this life, and have not wherewithal to be buried, he shall be buried at the expense of their common box. And when any one of the said trade shall die, all those of the said trade shall go to the vigil, and make offering on the morrow.

And if any serving-man shall conduct himself in any other manner than properly towards his master, and act rebelliously toward him, no one of the said trade shall set him to work, until he shall have made amends before the mayor and aldermen ; and before them such misprision shall be redressed.

And that no one of the said trade shall behave himself the more thoughtlessly, in the way of speaking or acting amiss, by reason of the points aforesaid ; and if any one shall do to the contrary thereof, he shall not follow the said trade until he shall have reasonably made amends.

And if any one of the said trade shall do to the contrary of any point of the ordinances aforesaid, and be convicted thereof by good men of the said trade, he shall pay to the Chamber of the Gildhall of London, the first time 2s., the second time 40d., the third time half a mark, and the fourth time 10s., and shall forswear the trade.

Also,—¹ that the good folks of the same trade shall once in the year be assembled in a certain place, convenient thereto, there to choose two men of the most loyal and benefitting of the said trade, to be overseers of work and all other things touching the trade for that year ; which persons shall be presented to the mayor and aldermen for the time being, and sworn before them diligently to inquire and make search, and loyally to present to the said mayor and aldermen such defaults as they shall find touching the said trade without sparing anyone for friendship or for hatred, or in any other manner. And if any one of the said trade shall be found rebellious against the said overseers, so as not to let them properly make their search and assay, as they ought to do ; or if he shall absent himself from the meeting aforesaid, without reasonable cause, after due warning by the said overseers, he shall pay to the Chamber, upon the first default, 40d. ; and on the sec-

¹This and the succeeding paragraphs were added to the earlier ordinances thirty years later, that is in 1376.

ond like default, half a mark ; and on the third one mark ; and on the fourth, 20s., and shall forswear the trade forever.

Also, that if the overseers shall be found lax and negligent about their duty, or partial to any person for gift or for friendship, maintaining him or voluntarily permitting him to continue in his default, and shall not present him to the mayor and aldermen, as before stated, they are to incur the penalty aforesaid.

Also, that each year, at such assemblies of the good folks of the said trade, there shall be chosen overseers, as before stated. And if it be found that through laxity or negligence of the said governors such assemblies are not held, each of the said overseers is to incur the said penalty.

Also, that all skins falsely and deceitfully wrought in their trade which the said overseers shall find on sale in the hands of any person, citizen or foreigner, within the franchise shall be forfeited to the said chamber, and the worker thereof amerced in manner aforesaid.

Also, that no one who has not been an apprentice, and has not finished his term of apprenticeship in the said trade, shall be made free of the same trade ; unless it be attested by the overseers for the time being, or by four persons of the said trade, that such person is able and sufficiently skilled to be made free of the same.

Also, that no one of the said trade shall induce the servant of another to work with him in the said trade, until he has made a proper fine with his first master, at the discretion of the said overseers, or of four reputable men of the said trade. And if any one shall do to the contrary thereof, or receive the serving workman of another to work with him during his term, without leave of the trade, he is to incur the said penalty.

Also, that no one shall take for working in the said trade more than they were wont heretofore, on the pain aforesaid ; that is to say, for the dyker¹ of Scotch stags, half a mark ; the dyker of Irish stags, half a mark ; the dyker of Spanish stags, 10s. ; for the hundred of goat skins, 20s. ; the hundred of roe leather, 16s. ; for the hundred skins of young deer, 8s. ; and for the hundred of kid skins, 8s.

¹ A dyker is a package of ten.

*ORDINANCES OF THE GILD OF THE TAILORS, EXETER,**A. D. 1466.*

English: Smith's English Gilds, Early English Text Society, 1870, pp. 312-316.

To the worship of God and of our Lady Saint Mary, and of St. John the Baptist, and of all Saints; These be the ordinances made and established of the fraternity of the craft of tailors, of the city of Exeter, by assent and consent of the fraternity of the craft aforesaid gathered there together, for evermore to endure.

First, it is ordained, by virtue of the charter¹ granted by our sovereign lord King Edward the Fourth, in the sixth year of his reign, that the master of the aforesaid craft for the time being, every Thursday shall be at the common hall, or else a deputy for him upon pain of two pounds of wax. And every warden that is absent without reasonable cause shall pay a pound of wax to the use and profit of the aforesaid fraternity; and that the aforesaid master and wardens be there every Thursday at nine of the clock, there to ordain and rule what may be for the welfare of the fraternity and craft aforesaid, and none to act without the other.

Also, it is ordained by the master and wardens and the common council aforesaid that every person who is privileged with the craft aforesaid who is of the value of £20 of goods and above, shall be of the masters' fellowship and clothing. And every person that is of the fellowship and the aforesaid craft shall pay, every year, for his feast, at Midsummer, 12d., and his offering; and for his clothing as it comes to, within a month from Midsummer day, upon pain of being put out of the aforesaid fraternity and craft for evermore. And every person that is so admitted shall pay a spoon of silver, weighing an ounce, and its fashioning.

Also, it is ordained that every out-brother,² that is not privileged of the aforesaid fraternity and gild, shall pay every year 6d. at Midsummer. And if he refuse to pay this within a month from Midsummer, he is to be dismissed from the aforesaid fraternity and gild for evermore.

¹ A charter granted directly by the king, 17th November, 1466; the original with a portion of the great seal attached being still in the archives of the city of Exeter.

² "Youte Brodere," apparently means a member of the gild who is not by occupation a tailor.

Also, it is ordained that all the fellowship of the bachelors shall hold their feast on St. John's day, in harvest. And every person that is a shop-holder of the aforesaid fellowship and craft shall pay to the aforesaid feast 8d. and his offering. And every servant¹ that receiveth wages shall pay 6d. to the aforesaid feast. And every out-brother that is of the aforesaid fellowship shall pay, every year, 4d. And if any of the fellowship and craft aforesaid, refuse to pay this, then their names shall be certified to the master and wardens, that they may do correction therein, as belongeth to them to do, according to charter granted by the sovereign lord, the King Edward the Fourth, the sixth year of his reign, by assent and consent of the mayor, the bailiffs, and commons of the city of Exeter, for ever to endure.

Also, it is ordained by the aforesaid master and wardens and fellowship of the fraternity and craft aforesaid that every servant that is of the aforesaid craft that taketh wages to the value of 20s. and above shall pay 20d. to be a free sewer, to the use and profit of the aforesaid fraternity; that no man of the aforesaid craft set any new sewer to work above the space of fifteen days without bringing him before the master and wardens there to pay his 20d. to be made a free sewer, or else to find a surety.

Also it is ordained by the master and wardens aforesaid that if any person of the aforesaid craft who is bound to pay any debt over to the aforesaid master and wardens, breaks his day by the space of half a year, he shall forfeit his whole bond. Provided, always, that if any person or persons aforesaid have fallen into poverty, and will testify so by his oath, he shall be discharged of his bond and debt and shall have sustenance by the foresaid craft as may be thought, by their discretion, convenient and reasonable.

Also, it is ordained by the foresaid master and wardens that if any brother of the aforesaid fraternity and craft despise another, calling him knave, or whoreson, or stupid, or any other misname, he shall pay at the first fault, 12d.; at the second fault, 20d.; and at the third fault, to be put out of the fraternity and craft for evermore.

Also, it is ordained by the foresaid master and wardens and the whole fellowship, that if any brother of the aforesaid craft take any

¹ There are evidently, in addition to the out-brethren, three classes of members of the gild: (1) those of £20 and above, who wear the livery; (2) the shop-holders or independent craftsmen of less substance than the former; and (3) the servants, journeymen, or free sewers as they are subsequently called.

clothing of any lord, knight or gentlemen, outside of the city without leave of the master and wardens, at the first fault, 40s., and at the second fault to be put out of the fraternity and craft for evermore.

Also, it is ordained by the foresaid master and wardens that there shall be four quarter-days that every brother of this craft shall assemble at our common-hall. And every shop-holder shall spend 2d. for a breakfast, or send his money by a deputy. And at that the oath and the ordinances and constitutions shall be read. The first day shall be the next Thursday after Twelfth day, and the second day shall be the second Thursday after Easter, and the third day shall be the second Thursday after the feast of St. John the Baptist, and the fourth day shall be the next Thursday after St. Michael's day. And at every of these foresaid days, after dinner there shall come all free sewers and take the remains of the meat and drink that the aforesaid master and shop-holders leave; and each of them shall spend 1d. to the welfare of the aforesaid fraternity and gild.

Also, it is ordained by the master and wardens that at every coste of ale that is given into the aforesaid fraternity and gild, every shop-holder shall spend thereto 1d., and every free sewer one farthing, and he that cometh not shall send his money by the beadle, upon pain of one pound of wax.

Also, it is ordained by the master and wardens and all the whole craft, that from henceforth no man of the said craft shall hold more than three servants and one apprentice at the most, without license of the master and wardens for the time being, upon pain of 40s. and he that pleadeth for him that doth against this ordinance shall forfeit 20s.

Also, it is ordained by the master and wardens and all the whole craft, that every person of the said craft that taketh an apprentice shall bring him before the master and wardens, there to have his indenture enrolled, the master to pay 12d. for his enrollment. This is to be done within a twelvemonth and a day or else he is to lose his freedom of the craft for evermore.

Also, it is ordained by the master and wardens and the craft aforesaid that every apprentice of the said craft that is enrolled and truly serveth his covenant shall pay a silver spoon weighing an ounce and its fashioning, and shall give a breakfast to the foresaid master and wardens before the day that he is able to be made freeman of the city aforesaid; and if he pay not a spoon worth 4s., then 4s. in money for the same.

Also, it is ordained by the master and wardens and the whole fel-

lowship that every person that shall be made free of the craft by redemption shall pay 20s. to his fine without any pardon ; and when he is enabled, shall give a breakfast to the master and wardens, before he is admitted free man of the city. And every person so enabled from henceforth shall have, the first year, but one servant, the second year, two, the third, three, and an apprentice if he be able. And he that doeth against this ordinance shall forfeit, at the first fault, 20s. at the second offense, 40s., at the third offense, he shall be put out of the fraternity and craft for evermore.

*ORDER OF THE PAGEANTS OF THE CORPUS CHRISTI
PLAY IN THE CITY OF YORK, A. D. 1415.*

English : L. T. Smith's "York Plays." Introduction, xix.

Each fraternity or craft-gild had charge of one scene in the whole series and performed it on a platform on wheels, successively, at each appointed station in the city on Corpus Christi day. As one scene was completed, its players moved on to the next station, their place being taken by the company having in charge the next pageant in the series.

Tanners.—God the Father Omnipotent creating and forming the heavens, the angels and archangels, Lucifer and the angels who fell with him into the pit.

Plasterers.—God the Father in his substance creating the earth and all things which are therein, in the space of five days.

Cardmakers.—God the Father forming Adam from the mud of the earth, and making Eve from Adam's rib, and inspiring them with the breath of life.

Fullers.—God forbidding Adam and Eve to eat of the tree of life.

Coopers.—Adam and Eve and the tree between them, the serpent deceiving them with apples ; God speaking to them and cursing the serpent, and an angel with a sword driving them out of Paradise.

Armorers.—Adam and Eve, an angel with a spade and distaff appointing them their labor.

Glovers.—Able and Cain sacrificing victims.

Shipwrights.—God warning Noah to make an ark out of planed wood.

Fishmongers and Mariners.—Noah in the ark with his wife, three sons of Noah with their wives, with various animals.

Parchment-makers and Book-binders.—Abraham sacrificing his son Isaac on the altar.

Hosiers.—Moses lifting up the serpent in the wilderness, King Pharaoh, eight Jews looking on and wondering.

Spicers.—A doctor declaring the sayings of the prophets concerning the future birth of Christ. Mary, the angel saluting her; Mary saluting Elizabeth.

Pewterers and Founders.—Mary, Joseph wishing to send her away, the angel telling them to go over to Bethlehem.

Tilers.—Mary, Joseph, a nurse, the child born and lying in a manger between an ox and an ass, and an angel speaking to the shepherds, and to the players in the next pageant.

Chandlers.—Shepherds speaking to one another, the star in the East. an angel announcing to the shepherds their great joy in the child which has been born.

Goldsmiths, Goldbeaters and Moneyers.—Three kings coming from the East, Herod questioning them about the child Jesus, and the son of Herod and two counsellors and a herald. Mary with the child, and the star above, and three kings offering gifts.

(Formerly) The House of St. Leonard, (now) Masons.—Mary, with the boy, Joseph, Anna, the nurse, with the young doves. Simeon receiving the boy into his arms, and the two sons of Simeon.

Marshalls.—Mary with the boy and Joseph fleeing into Egypt, at the bidding of the angel.

Girdlers, Nailers, and Sawyers.—Herod ordering the male children to be slain, four soldiers with lances, two counsellors of the king, and four women weeping for the death of their sons.

Spurriers and Lorimers.—Doctors, the boy Jesus sitting in the temple in the midst of them, asking them questions and replying to them, four Jews, Mary and Joseph seeking him, and finding him in the temple.

Barbers.—Jesus, John the Baptist baptizing him, and two angels attending.

Vinters.—Jesus, Mary, bridegroom with the bride, ruler of the feast with his slaves, with six vessels of water in which the water is turned into wine.

Smiths.—Jesus on a pinnacle of the temple, and the devil tempting him with stones, and two angels attending, etc.

Curriers.—Peter, James, and John; Jesus ascending into a mountain and transfiguring himself before them. Moses and Elias appearing, and the voice of one speaking in a cloud.

Ironmongers.—Jesus, and Simon the leper asking Jesus to eat with him; two disciples, Mary Magdalene bathing Jesus feet with her tears and drying them with her hair.

Plumbers and Patternmakers.—Jesus, two apostles, the woman taken in adultery, four Jews accusing her.

Pouchmakers, Bottlers, and Capmakers.—Lazarus in the sepulchre, Mary Magdalene and Martha, and two Jews wondering.

Spinners and Vestmakers.—Jesus on an ass with its colt, twelve apostles following Jesus, six rich and six poor, eight boys with branches of palm, singing Blessed, etc., and Zaccheus climbing into a sycamore tree.

Cutlers, Bladesmiths, Sheathers, Scalers, Bucklermakers, and Horners.—Pilate, Caiaphas, two soldiers, three Jews, Judas selling Jesus.

Bakers.—The passover lamb, the Supper of the Lord, twelve apostles, Jesus girded with a towel, washing their feet, institution of the sacrament of the body of Christ in the new law, communion of the apostles.

Cordwainers.—Pilate, Caiaphas, Annas, fourteen armed soldiers, Malchus, Peter, James, John, Jesus, and Judas kissing and betraying him.

Bowyers and Fletchers.—Jesus, Annas, Caiaphas, and four Jews beating and scourging Jesus. Peter, the woman accusing Peter, and Malchus.

Tapestrymakers and Couchers.—Jesus, Pilate, Annas, Caiaphas, two counsellors and four Jews accusing Jesus.

Littesters.—Herod, two counsellors, four soldiers, Jesus, and three Jews.

Cooks and Watercarriers.—Pilate, Annas, Caiaphas, two Jews, and Judas bringing back to them the thirty pieces of silver.

Tilemakers, Millers, Furriers, Hayresters, Bowlers.—Jesus, Pilate, Caiaphas, Annas, six soldiers holding spears with banners, and four others leading Jesus away from Herod, asking to have Barabbas released and Jesus crucified, and likewise binding and scourging him, and placing the crown of thorns upon his head; three soldiers casting lots for the clothing of Jesus.

Shearmen.—Jesus, stained with blood, bearing the cross to Calvary. Simon of Cyrene, the Jews compelling him to carry the cross;

Mary the mother of Jesus; John the apostle then announcing the condemnation and passage of her son to Calvary. Veronica wiping the blood and sweat from the face of Jesus with a veil on which is imprinted the face of Jesus, and other women mourning for Jesus.

Pinmakers, Latenmakers, and Painters.—The cross, Jesus stretched upon it on the ground; four Jews scourging Him and binding Him with ropes, and afterwards lifting the cross, and the body of Jesus nailed to the cross on Mount Calvary.

Butchers and Poultry Dealers.—The cross, two thieves crucified, Jesus hanging on the cross between them, Mary the mother of Jesus, John, Mary, James, and Salome. A soldier with a lance, a servant with a sponge, Pilate, Annas, Caiaphas, the centurion, Joseph of Arimathea and Nicodemus, placing Him in the sepulchre.

Saddlers, Glaziers and Joiners.—Jesus conquering hell; twelve spirits, six good, and six evil.

Carpenters.—Jesus rising from the sepulchre, four armed soldiers, and the three Marys mourning. Pilate, Caiaphas, and Annas. A young man seated at the sepulchre clothed in white, speaking to the women.

Winedrawers.—Jesus, Mary Magdalene with aromatic spices.

Brokers and Woolpackers.—Jesus, Luke, and Cleophas in the guise of travelers.

Scriveners, Illuminators, Pardoners and Dubbers.—Jesus, Peter, John, James, Philip, and the other apostles with parts of a baked fish, and a honey-comb; and Thomas the apostle touching the wounds of Jesus.

Tailors.—Mary, John the evangelist, the eleven apostles, two angels, Jesus ascending before them, and four angels carrying a cloud.

Potters.—Mary, two angels, eleven apostles, and the Holy Spirit descending upon them, and four Jews wondering.

Drapers.—Jesus, Mary, Gabriel with two angels, two virgins and three Jews of Mary's acquaintance, eight apostles, and two devils.

Linen-weavers.—Four apostles carrying the bier of Mary, and Fergus hanging above the bier, with two other Jews and an angel.

Woolen-weavers.—Mary ascending with a throng of angels, eight apostles, and the apostle Thomas preaching in the desert.

Innkeepers.—Mary, Jesus crowning her, with a throng of angelssinging.

Mercers.—Jesus, Mary, the twelve apostles, four angels with trumpets, and four with a crown, a lance, and two whips, four good spirits, and four evil spirits, and six devils.

V. SOCIAL OR NON-INDUSTRIAL GILDS.

From very early times organizations existed in the nature of semi-religious clubs or benefit societies, the membership being voluntary and quite unconnected with trade or manufacturing interests or responsibilities. The characteristic tendency of the Middle Ages to organization found much of its satisfaction in these small social or religious gilds, which existed not only in the larger towns but even in villages. They were moreover among the most permanent of mediæval institutions. We have records of their existence alongside of the "frith-gilds" of Anglo-Saxon times ; a great proportion of the five hundred or more gilds which sent in reports of their ordinances in 1389¹ were of this class, and many were found among the "corporations, gilds, fraternities, companies and fellowships" dissolved in 1547.

RULES OF A GILD AT EXETER, BEFORE THE XI. CENTURY.

Anglo-Saxon ; Thorpe, *Diplomatarium Anglicum*, 613, and English ; Kemble, Saxons in England, i. 512, 513.

This assembly was collected in Exeter, for the love of God and for our soul's need, both in regard to our life here, and to the after days which we desire for ourselves by God's doom.

Now we have agreed that our meeting shall be thrice in the twelve months ; once at St. Michael's Mass, secondly at St. Mary's Mass, after mid-winter, and thirdly at Allhallow's Mass after Easter ; and let each gild-brother have two sesters of malt, and each young man one sester, and a sceat of honey ; and let the mass-priest at each of our meetings sing two masses, one for our living friends, the other for the dead ; and let each brother of common condition sing two psalters of psalms, one for the living and one for the dead ; and at the death of a brother, each man six masses ; or six psalters of psalms ; and at a death each man five pence ; and at a house-burning each man one penny. And if any one neglect the day, for the first time three masses, for the second five, and at the third time let him have no favor, unless his neglect arose from sickness or his lord's need. And if any one neglect his subscription at the proper day, let him pay double. And if any one of this brotherhood misgreet another, let him make boot with thirty pence. Now we pray for the love of God that every man hold this meeting rightly, as we rightly have agreed upon it. God help us thereunto.

¹ Many of these are printed, and others epitomized in Toulmin Smith's "English Gilds," published by the Early English Text Society in 1870.

*REPORT OF WARDENS OF THE GILD OF ST. KATHARINE
AT NORWICH, A. D. 1389.*

English: Toulmin Smith, *English Gilds*, pp. 19-21.

To the most excellent prince and lord, our lord Richard, by the grace of God, king of England and France, and to his council in his chancery, his humble lieges, the guardians of a certain fraternity of St. Katharine the virgin and martyr, in the church of St. Simon and St. Jude in Norwich, all subjection and reverence and honor. By virtue of a certain proclamation recently made according to royal command by the sheriff of the county of Norfolk at Norwich, we certify to your excellency according to the form of the aforesaid proclamation, that our aforesaid fraternity was founded in the year 1307, by certain parishioners of the said church, and by others devoted to God, to the honor of the Holy Trinity, and of the blessed Virgin Mary, and of St. Katharine the virgin and martyr, and of all saints, and for keeping up an increase of light in the said Church; under certain ordinances made and issued with common consent of the brothers and sisters of the aforesaid fraternity. The tenor of these ordinances follows in these words.

In the first place with one assent it is ordained that all the brethren and sisters of this gild shall come together to the parish church of St. Simon and St. Jude, in Norwich, on the day of St. Katharine, to go in the procession with their candle, which is borne before them, and to hear the mass of St. Katharine in the aforesaid church; and at that mass every brother and sister shall offer a half-penny.

And also it is ordained that what brother or sister shall be absent at the procession aforesaid, or at mass, or at offering, he shall pay to the chattels of the gild two pounds of wax, but they may be excused reasonably.

And also it is ordained, that where a brother or a sister is dead, and every brother and sister shall come to *dirige* and to mass; and at the mass, each shall offer a half-penny, and give a half-penny to alms; and for a mass to be sung for the soul of the dead, a penny. And at the *dirige*, every brother and sister that is lettered shall say, for the soul of the dead, *placebo and dirige*, in the place where they shall come together; and every brother and sister that is not lettered shall say for the soul of the dead, twenty times, the *Paternoster*, with *ave Maria*; and from the chattels of the gild shall there be two candles of wax, of sixteen pounds weight, about the body of the dead.

And also it is ordained, that if any brother or sister die out of the city of Norwich, within eight miles, six of the brethren that have the

chattels of the gild in keeping, shall go to that brother or sister that is dead; and if it be lawful, they shall carry it to Norwich, or else it be buried there; and if the body be buried out of Norwich, all the brethren and sisters shall be warned to come to the foresaid church of St. Simon and St. Jude, and there shall be done for the soul of the dead all service, light and offering as if the body were there present. And what brother or sister be absent at *placebo* and *dirige*, or at mass, he shall pay two pounds of wax to the chattels of the gild, unless he be reasonably excused. And nevertheless he shall do for the dead as it is said before.

And also it is ordained that, on the morrow after the gild day all the brethren and sisters shall come to the aforesaid church, and there sing a mass of requiem for the souls of the brethren and sisters of this gild, and for all Christian souls, and each offer there a farthing. And whoso is absent he shall pay a pound of wax.

And also it is ordained that if any brother or sister fall into poverty, through adventure of the world, his estate shall be helped by every brother and sister of the gild, with a farthing in the week.

And also it is ordained by common assent that if there be any discord between brothers and sisters, that discord shall be first showed to other brothers and sisters of the gild, and by them shall accord be made, if it may be skillfully. And if they cannot be so brought to accord, it shall be lawful to them to go to the common law, without any maintenance. And whoso does against this ordinance, he shall pay two pounds of wax to the light.

Also it is ordained, by common assent, that if any brother of this gild be chosen into office and refuse it, he shall pay two pounds of wax to the light of St. Katharine.

Also it is ordained, by common assent, that the brethren and sisters of this gild, in the worship of St. Katharine, shall have a livery of hoods in suit, and eat together in their gild day, at their common cost; and whoso fails, he shall pay two pounds of wax to the light.

Also it is ordained, by common assent, that no brother or sister shall be received into this gild but by the alderman and twelve brethren of the gild.

And as to the goods and chattels of the said fraternity, we make known to your excellency, likewise, that we the aforesaid guardians, have in our custody, for the use of the said fraternity, twenty shillings of silver.

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